

### **REMARKS**

Claims 3-9 are pending. By this Amendment, Claims 1-2 are canceled without prejudice or disclaimer, Claims 3 and 6-8 are amended, and Claim 9 is added. Support for the amendment to Claim 3 and the subject matter recited by new dependent Claim 9 can be found in the application as originally filed, see page 42, line 21, page 43, line 5 and page 43, lines 5-7, respectively, for example. Accordingly, Applicants respectfully submit that no new matter is presented herein.

### **Claim Rejections – 35 U.S.C. §102/§103**

Claims 1-6 and 8 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,748,001 to Nishitsuka et al. (Nishitsuka); and Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nishitsuka in view of U.S. Patent Publication No. 2002/0142503 to Miyachi et al. (Miyachi).

Applicants respectfully traverse the rejections for at least the following reason(s).

Claim 3 recites a method for fabricating a semiconductor laser device which emits a plurality of laser beams of different wavelengths including, among other processes, a step of forming a layer containing at least a light absorption layer of InGaN during a process of fabricating a second intermediate body on a support substrate and then a step of forming a multi-layer stack of a semiconductor for forming a second lasing portion on the light absorption layer.

Applicants submit that using the light absorption layer of InGaN enables “GaN” to be used as a substrate so that the semiconductor laser device, which emits a plurality of

laser beams of different wavelengths, can be fabricated by using a GaN-based laser device on the GaN substrate.

Applicants respectfully submit that Nishitsuka fails to disclose or suggest each and every feature recited by Claim 3. In particular, Applicants note that in Nishitsuka, neither of the first and second laser units disclosed therein, each of which have an n-type cladding layer (12 and 22), an active layer (13 and 23), a p-type cladding layer (14 and 24), and a p-type contact layer (15 and 25) that are deposited onto an n-type substrate (11 and 21), even has a light absorbing layer let alone one that is a light absorbing layer **of InGaN**. See column 3, lines 30 to 63 of Nishitsuka.

To qualify as prior art under 35 U.S.C. §102, each and every feature of a rejected claim must be disclosed by the applied reference. As noted above, Nishitsuka does not disclose each and every feature recited by Claim 3. Therefore, Claim 3 is not anticipated by Nishitsuka and should be deemed allowable over Nishitsuka.

Claims 4-9 depend from Claim 3. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reason(s) Claim 3 is allowable as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102.

With regards to the rejection under 35 U.S.C. §103, Applicants respectfully submit that Nishitsuka and Miyachi, alone or in any combination thereof, fail to teach or suggest a light absorption layer of InGaN as is recited by Claim 3.

Nishitsuka is discussed above.

Miyachi does not cure or otherwise address the deficiency of Nishitsuka. In particular, while paragraph [0029] of Miyachi teaches a multiple quantum well (MQW) active layer 15 having a multi-stack layer that includes layers of InGaN (i.e.,  $\text{In}_{y1}\text{Ga}_{1-y1}\text{N}$  and  $\text{In}_{y2}\text{Ga}_{1-y2}\text{N}$ ), Applicants note that Claim 3 recites a multi-stack is formed **on** the light absorbing layer of InGaN.

Miyachi does not teach or suggest a light absorbing layer of InGaN on which the multi-stack layer of the MQW active layer 15 is formed.

Accordingly, Applicants respectfully submit that Nishitsuka and Miyachi, alone or in any combination thereof, do not render the invention recited by Claim 3 obvious. As such, Applicants respectfully submit that Claim 3 is not obvious in view of Nishitsuka and Miyachi and should be deemed allowable.

Claims 4-9 depend from Claim 3. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 3 is allowable as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103.

### **Conclusion**

In view of the above, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 3-9, and the prompt issuance of a Notice of Allowance is respectfully requested.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Docket Number 107156-00333.**

Respectfully submitted,



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Murat Ozgu  
Registration No. 44,275

Customer No. 004372  
**ARENT FOX** LLP  
1050 Connecticut Avenue, N.W.,  
Suite 400  
Washington, D.C. 20036-5339  
Tel: (202) 857-6000  
Fax: (202) 638-4810

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